

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAMES J. ISON AND THE ISON
LAW FIRM, PC,

Plaintiffs,

v.

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN FRANCISCO,
ETHAN P. SCHULMAN, ET AL.,

Defendants.

No. 2:21-cv-01546 JAM-KJN

**ORDER DENYING PLAINTIFFS' MOTION
TO VACATE JUDGMENT AND ORDER**

Before this Court is Plaintiffs' Motion (ECF No. 63) to vacate the August 24, 2023, judgment for Defendants (ECF No. 62) and the September 27, 2022, Order granting Defendants' motions to dismiss (ECF No. 28).¹ The Court finds that Plaintiffs are not entitled to an order vacating the order granting the motions to dismiss and judgment. Under Federal Rule of Civil Procedure 60(b)(6), Plaintiffs have the burden of demonstrating that this motion to vacate was made within a reasonable time and

¹Plaintiffs' request for oral argument is denied. The Court finds that this Motion is suitable for decision without hearing under E.D. Cal. L.R. 230(g). The hearing set for October 31, 2023, is vacated.

1 extraordinary circumstances justify vacating the order and
2 judgment. Plaintiffs have failed to meet their burden.

3 In their motion and supporting papers, Plaintiffs fail to
4 set forth any facts to support their arguments. Instead,
5 Plaintiffs' motion is supported by impermissible hearsay,
6 innuendo, and speculation. Plaintiffs' "evidence" does not
7 establish grounds for judicial recusal or the extraordinary
8 circumstances that must be shown to warrant vacating the order
9 and judgment in this case. Plaintiffs repeat several arguments
10 in this motion that were previously raised and rejected in their
11 motion for reconsideration. Finally, Plaintiffs have not met
12 their burden of demonstrating that this motion is timely, i.e.,
13 Plaintiffs have not set forth any facts explaining why they
14 waited over a year to file this motion to vacate. For all these
15 reasons, Plaintiffs' motion to vacate is denied.²

16 IT IS SO ORDERED.

17 Dated: October 23, 2023

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20 JOHN A. MENDEZ
21 SENIOR UNITED STATES DISTRICT JUDGE
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26 ²The cases relied upon by Plaintiffs in support of their motion
27 herein, e.g., Liljeberg v. Health Services Acquisition Corp., 486
28 U.S. 847, 863-864 (1988) and Dennis v. Sparks, 449 U.S. 24 (1980)
are easily distinguishable from this case and wholly insufficient
to establish grounds for the relief sought by Plaintiffs here.